

AN ORDINANCE

02-0-1534

BY CITY UTILITIES COMMITTEE

AUTHORIZING THE NEGOTIATIONS AND ACQUISITION OF PROPERTY AND THE USE OF CONDEMNATION PROCEEDING IF NECESSARY TO ACQUIRE PROPERTY LOCATED AT 2631 CASCADE ROAD, IN LAND LOT 201 OF 14TH DISTRICT, FULTON COUNTY, GEORGIA, SUBDIVISION LOT 43 BLOCK "A" SPRING PARK PHASE II IN CONNECTION WITH THE NEW CASCADE ROAD SEWAGE PUMPING STATION REQUIRED BY THE EPA/EPD SSO CONSENT ORDER.

WHEREAS, the City of Atlanta, Department of Public Works, has identified in connection with construction of improvements to Cascade Road Pumping Station the need to acquire certain property; and

WHEREAS, the identified property is located at 2631 Cascade Road, Land Lot 201 of the 14th District, Subdivision Lot 43, Block "A" Spring Park Phase II as recorded in Plat Book 163, Page 124, Fulton County Records, Fulton County; and

WHEREAS, the Department of Public Works seeks to provide a new sewage pumping station on property for compliance with EPA/EPD SSO Consent Order; and

WHEREAS, the Department of Public Works seeks to acquire three (3) easements and a fee simple land purchase on property to complete construction of the required sewage pumping station; and

WHEREAS, there will be a cost associated with the acquisition of the needed real estate and improvements.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1: That the Purchasing Agent in cooperation with Smith Real Estate Services, Inc. (Consultant), is hereby authorized to negotiate with affected property owners and to acquire the necessary real property interest located at 2631 Cascade Road, needed to complete construction of the new Cascade Road Sewage Pumping Station.

SECTION 2: That the Purchasing Agent is hereby authorized to obtain land surveys, legal descriptions, title reports, appraisal reports, environmental reports and to establish estimates of just compensation based thereon to be offered property owners in connection with the project.

SECTION 3: That the requirements of City Code Section 2-1541 (d) of the Procurement and Real Estate Code are waived to allow the purchase of property on behalf of the City without further authorization of City Council.

SECTION 4: That the City's Consultant is authorized to settle those acquisitions of property at an amount not to exceed ten percent (10%) above the estimated just compensation. The Purchasing Agent is authorized to administratively settle, with appropriate substantiating documentation, e.g. appraisal report, without further authorization of City Council, those acquisitions which exceed the limitations which the City's Consultant cannot otherwise acquire. However, in no event shall the Purchasing Agent's authority to administratively negotiate or settle such acquisitions without Council authorization exceed 20% above the estimated just compensations of affected property.

SECTION 5: That if negotiations with the affected property owners fail, the City Attorney is authorized to use all means necessary and within her/his power, up to and including Condemnation to acquire the necessary real property interests; and , the City Attorney is authorized to engage the services of outside counsel, where necessary, to handle Condemnation proceedings and pay for such services without further authorization from City Council.

SECTION 6: That the City Attorney, or her/his designee, if necessary, is hereby authorized to institute condemnation proceedings pursuant to the appropriate method allowed by applicable law.

SECTION 7: That the City Attorney, or her/his designee, is hereby authorized to monitor and supervise the closing transactions, performed by Consultant, with affected property owners in the Cascade Road Sewage Pumping Station Project.

SECTION 8: That the cost associated with the acquisition of the property shall be paid from Fund Account Number 2J26 571001 M57I15019999 AND 2J26 572001 M57I15019999.

SECTION 9: That all ordinances and parts of ordinances in conflict herewith are hereby rescinded.

A true copy,

Rhonda Daughlin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

OCT 07, 2002
OCT 15, 2002

RCS# 4099
10/07/02
5:15 PM

Atlanta City Council

Regular Session

CONSENT I 0613;1695;1544;1562;1581;1666;1551
 1668; Except CDHR #6-#10
 RECON/READOPT

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	B Martin	Y Norwood
NV Young	Y Shook	NV Maddox	NV Willis
Y Winslow	NV Muller	Y Boazman	NV Woolard

CONSENT I

10/07/02 Council Meeting

**ITEMS ADOPTED ON CONSENT
AGENDA**

1. 02-O-1538
2. 02-O-1549
3. 02-O-1554
4. 02-O-1466
5. 02-O-1253
6. 02-O-1575
7. 02-O-1576
8. 02-O-1582
9. 02-O-1447
10. 02-O-1545
11. 02-O-1261
12. 02-O-1534
13. 02-R-1662
14. 02-R-1669
15. 02-R-1709
16. 02-R-1711
17. 02-R-1712
18. 02-R-1713
19. 02-R-1633
20. 02-R-1664
21. 02-R-1667
22. 02-R-1673
23. 02-R-1469
24. 02-R-1642
25. 02-R-1644
26. 02-R-1649
27. 02-R-1714
28. 02-R-1727
29. 02-R-1650
30. 02-R-1651
31. 02-R-1652
32. 02-R-1653
33. 02-R-1654
34. 02-R-1655
35. 02-R-1656
36. 02-R-1657
37. 02-R-1658
38. 02-R-1659
39. 02-R-1660
40. 02-R-1718
41. 02-R-1719
42. 02-R-1698
43. 02-R-1699
44. 02-R-1700
45. 02-R-1701

**ITEMS ADVERSED
ON CONSENT AGENDA**

46. 02-R-1702
47. 02-R-1703
48. 02-R-1704
49. 02-R-1705
50. 02-R-1706
51. 02-R-1707
52. 02-R-1708
53. 02-R-1675
54. 02-R-1676
55. 02-R-1677
56. 02-R-1678
57. 02-R-1679
58. 02-R-1680
59. 02-R-1681
60. 02-R-1682
61. 02-R-1683
62. 02-R-1684
63. 02-R-1685
64. 02-R-1686
65. 02-R-1687
66. 02-R-1688
67. 02-R-1689
68. 02-R-1690
69. 02-R-1691
70. 02-R-1692
71. 02-R-1693
72. 02-R-1694
73. 02-R-1696
74. 02-R-1697

Consent I Vote: 10Yeas; 0 Nays (See RCS #4099; Reconsidered See RCS #4043)

Items Removed from Consent: 02-R-1613; 02-R-1695; 02-O-1544; 02-O-1562; 02-O-1581; 02-R-1666;
02-O-1551; 02-R-1668; 02-O-1598; 02-O-1599; 02-O-1600; 02-O-1601; 02-O-1602

(Do Not Write Above This Line) **02-01534**

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 BY CITY UTILITIES COMMITTEE
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 SPRING PARK PHASE II IN
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 PUMPING STATION REQUIRED BY
 THE EPA/EPD SSO CONSENT
 ORDER.

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 9/16/02
 Referred To: City Utilities
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

First Reading
 Committee City Utilities
 Date 9/16/02
 Chair David Muller
 Referred To City Utilities

Committee City Utilities
 Date 9/16/02
 Chair David Muller
 Action Fav, Adv, Hold (see rev. side)
 Other _____
 Members _____
 Refer To _____

Committee _____
 Date _____
 Chair _____
 Action Fav, Adv, Hold (see rev. side)
 Other _____
 Members _____
 Refer To _____

Committee _____
 Date _____
 Chair _____
 Action Fav, Adv, Hold (see rev. side)
 Other _____
 Members _____
 ADOPTED BY
OCT 07 2002
COUNCIL
 Refer To _____

Committee _____
 Date _____
 Chair _____
 Action _____
 Other _____
 Members _____
 Refer To _____

- FINAL COUNCIL ACTION
- 2nd
 - 1st & 2nd
 - 3rd
 - Consent
 - V Vote
 - RC Vote

CERTIFIED
 OCT 07 2002

CERTIFIED
 OCT 07 2002
 Municipal Clerk

MAYOR'S ACTION
David Muller
 OCT 13 2002
 MAYOR